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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,128	02/05/2004	James M. Thommes	ITW 7188.64	8416

23721 7590 09/22/2004

CORRIGAN LAW OFFICE  
5 BRIARCLIFF CT  
APPLETON, WI 54915

EXAMINER

SHAW, CLIFFORD C

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/774,128

Applicant(s)

THOMMES, JAMES M.

Examiner

Clifford C Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-30,32-38,40-46,48-52,54-61,63-65,67-70,72 and 74-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-30,32-38,40-46,48-52,54-61,63-65,67-70,72,74,75 and 95-104 is/are allowed.
- 6) ☒ Claim(s) 76-94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0614 and 0727</u> . | 6) <input type="checkbox"/> Other: ____  |

### **Detailed Action**

1.) In his "Disclosure of Prior Art, Litigation, and Litigation Documents" filed on 7/27/2004, applicant states that he is including copies of papers from a litigation, including: Defendant's Answer, Amended Answer, Answer to the Second Amended Complaint, Answer to the First Set of Interrogatories, and Supplemental Answer to the 1<sup>st</sup> Interrogatories. Applicant is advised that no copies of these papers have been received in the instant application.

2.) Claim 68 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 56. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

3.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.) Claims 76-79, 85-87, 90, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over the UK patent application no. GB2258958A taken with any one of the Cardinale article ("Techniques for Improving Power Factor", cited by applicant), the Alberkrack

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et al. article ("Power Factor Controller IC Minimizes External Components", cited by applicant), or the Dixon article ("Optimizing the Design of a High Power Factor Switching Preregulator", cited by applicant). The UK patent application no. GB2258958A discloses a welding power source with features claimed, including: an input at 1 for changing ac from 3 into dc via elements 17; a converter at 4 receiving a control input via 28; and an output circuit at 2 and 32 providing output welding current. The claims differ from the UK patent application no. GB2258958A in calling for a power factor correction signal to be provided to the converter. This difference does not patentably distinguish over the prior art. Although the UK patent application no. GB2258958A does not explicitly use the term "power factor correction", on pages 1-2 of his specification, he states that his invention does result in "less phase displacement between the currents and voltages on the mains side". It is considered obvious that the arrangement of the UK patent application no. GB2258958A results in power factor correction in the manner claimed by applicant in view of any one of the Cardinale article, the Alberkrack et al. article, or the Dixon article which discloses circuitry that is the same as element 4 in the UK patent application no. GB2258958A used for active power factor correction.

5.) Claims 80-83, 88, 89, and 92-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over the UK patent application no. GB2258958A taken with any one of the Cardinale article, the Alberkrack et al. article, or the Dixon article as applied to claims 76-79, 85-87, 90, and 91 above, and further in view of the Japanese document no. 2-41778. The only aspects of the claims to which the rejection above does not apply are the provisions for the output circuit to include an inverter, rectifier or pulse width modulator. These differences do not

patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used the arrangement of the UK patent application no. GB2258958A in conjunction with any conventional welding output circuitry. In particular, it would have been obvious to have used a welding load comprised of either an inverter, rectifier, or pulse width modulator, the motivation being the teachings of the Japanese document no. 2-41778 that such are advantageous at the output of a welding power supply (see figure 1, elements 5, 6, 7, 33, and 34 in the Japanese document no. 2-41778).

6.) Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over the UK patent application no. GB2258958A taken with any one of the Cardinale article, the Alberkrack et al. article, or the Dixon article taken with the Japanese document no. 2-41778 as applied to claims 80-83, 88, 89, and 92-94 above, and further in view of the patent to Redfern (3,614,592, newly cited). It would have been obvious to have incorporated a cycloconverter into the combination above, the motivation being the teachings of Redfern (3,614,592) that such is advantageous for a welding power supply.

7.) Claims 25-30, 32-38, 40-46, 48-52, 54-61, 63-65, 67-70, 72, 74-75, and 95-104 are allowable over the prior art of record. None of the prior art of record teaches or suggests the particular welding power supply apparatus or methods claimed with the specific limitations directed to: the range of input voltages, the power factor correction; and the auxiliary power source as combined with the other features as set forth in the claims.

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Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw  
Primary Examiner  
Art Unit 1725

September 20, 2004